



**MINUTES
STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, JANUARY 27, 2010**

MEMBERS: DEBORAH ARCHULETA, RN; CANDACE BERARDINELLI, PHD, RN, VICE PRESIDENT; PEGGY BUNKE, RN, NP; LISA DAVIS, RN; TONI GIBBONS, LPN; VICKI ERICKSON, PHD, NP, RN; CAROLYN JEFFERSON-JENKINS, PHD; CURTIS POWELLS, RN; SANDRA SUMMERS, DNP, RN; BETTY WOLFE, LPN; AND BART WRITER

MEMBERS EXCUSED: CANDACE BERARDINELLI, PHD, RN AND TONI GIBBONS, LPN

PRESIDING: SANDRA SUMMERS, DNP, RN, PRESIDENT

COUNSEL: ILENE WOLF-MOORE, FIRST ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR; MEGAN GRIFFITH, PROGRAM ASSISTANT

1. CONVENE AND ROLL CALL (9:01 A.M.)

Sandra Summers, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

2. ANNUAL DESIGNATION OF LOCATION OF BOARD OF NURSING MEETING NOTICES (9:02 A.M.)

Sandra Summers, President announced the location of all Board of Nursing and Nurse Aide Advisory Committee meeting notices for 2010 to be posted in the reception area of the Division of Registrations located on the 13th floor of the Civic Center Plaza building at 1560 Broadway, Denver, CO 80202 and the Board's web site.

3. APPROVAL OF MINUTES (9:06 A.M.)

After discussion, a Motion was made, seconded and carried to approve the minutes of the October 21, 2009 Full Board meeting.

4. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill announced that after the last monthly report of 12/31/2009 that the Board's backlog of pending complaint and enforcement cases was at 0% and he thanked and credited Terrie Miller, Enforcement Manager and the Enforcement Unit for working hard to clear the back log.

Director Merrill gave an update to the Board regarding the progress of the Medication Aide Task Force who had their second meeting on the 20th of January to further develop the certification and curriculum and requirements for medication aide authority for certified nurse aides. Director Merrill informed the Board of Lisa Davis' participation as the Board member representative on the task force

and of their plans to meet again two more times before they would present proposed rules for the Board's consideration at the August 2010 Full Board meeting.

Director Merrill announced that Barbara Kelley, the Executive Director of DORA, would not be attending the Board meeting as scheduled and he further gave background on D. Rico Munn's departure from DORA in November to be the Executive Director of the Department of Higher Education.

Director Merrill discussed the final stages of the implementation of the Diligent Boardbooks software and solicited feedback from the Board.

Director Merrill announced the hiring of a new Board staff member, Jennifer Bateman, as the newest Complaint Specialist within the Enforcement Unit of the Board of Nursing. Jennifer took the vacated position of Anne Austin who departed the Board over a year ago as the Complaint Specialist responsible for processing 'yes' renewals.

Director Merrill gave an update to the Board on the status of the Tech IV, Prescriptive Authority Compliance Monitor position and how after unsuccessful attempts at hiring someone for the position that the search still continues.

Director Merrill discussed the issue of Medical Marijuana and informed the Board that the Division of Registrations was currently working on crafting an official response to questions regarding licensees regulated by the Division and the use of medical marijuana and the running of dispensaries, to be in effect until any new legislation regarding the issues takes effect.

5. CANDD (9:21 A.M.)

Carol Heller and Susan Neverbee addressed the Board and asked the Board to consider opening the Chapter XIII – Rules and Regulations for the Delegation of Nursing Tasks to make amendments regarding the delegation of insulin administration in the developmental disability and home health care setting.

Director Merrill discussed the administrative concerns and the rationale from a functional aspect as to the pros and cons of reopening the rules. After discussion, a Motion was made, seconded and carried to open the Rulemaking process to make amendments to the Chapter XIII rules.

6. POLICY CHANGES (9:24 A.M.)

The Board reviewed a Memorandum from Program Director Merrill outlining the proposed changes to the following Board policies:

1. Policy 40-02 Delegated Authority. After discussion, a Motion was made, seconded and carried to adopt Policy 40-02 as amended.

7. OPEN FORUM (9:25 A.M.)

Testimony was given to the Board by the following:

1. Barbara White, Dean of Nursing and Sciences from Colorado Christian University (CCU). Dr. White addressed the Board regarding CCU's Phase II application approval.

2. Gloria Ohmart, Director of Nursing from CollegeAmerica. Ms. Ohmart addressed the Board regarding CollegeAmerica's application for Phase II approval.

3. Linda Stroup from Metropolitan State College of Denver (Metro), Chair of Nursing Program, addressed the Board regarding Metro State's Phase I application for traditional BSN program.

4. Jan Joost, Director of Nursing at Community College of Denver (CCD) addressed the Board regarding CCD's challenges for adhering to the concurrent clinical experience with the didactic portion of the coursework.

5. Judy Renner, RN, affiliated with a clinical partnership for CollegeAmerica, addressed the Board regarding their agreement to provide pediatric clinical experiences for CollegeAmerica students in the home healthcare setting.

8. RECESS (9:45 A.M.)

The Board took a brief recess and then reconvened the meeting at 9:59 A.M.

9. NURSING EDUCATION REPORTS (9:59 A.M.)

The Board reviewed Memorandums from Roberta Hills, Nursing Education Specialist regarding the following:

PHASE I APPLICATIONS:

Mile High Medical Academy – PN Program. The Board discussed and voted to deny Phase I application as Mile High Medical Academy did not demonstrate adequate resources to admit 24 students annually into the program. The Board took notice that the school had its approval rescinded from the Department of Private Occupational Schools and was no longer approved to operate in Colorado.

Metropolitan State College of Denver (Metro) – BSN Program: The Board discussed the 3 pending items and discussed the interpretations of the percentages used in presenting data in the impact study. The Board voted to approve the Phase I application pending Metro submitting sufficient evidence to support the impact study.

PHASE II APPLICATIONS:

Colorado Christian University – BSN Program: The Board reviewed the documentation presented from CCU that supported meeting the requirements of the Chapter II Rules. After discussion, the Board voted to grant Interim Approval and the authority to admit 48 students annually pending the University's ability to sufficiently address 5 areas in the final stages of program development.

Note: During this discussion, Director Merrill brought concerns to the board regarding the process by which nursing education programs submitted documentation for review. The two concerns identified

were programs not addressing all areas of non-compliance in one submission and that programs wanted to submit material passed the deadline and still have it reviewed at the meeting. Director Merrill asked if the Board would like to have him draft a policy that addresses both of these concerns and the Board directed him to draft the policy.

CollegeAmerica – ADN Program: The Board reviewed the material presented for the approval of the Phase II application. The Board found that the number of students admitted should not exceed 20 students annually at the Denver Campus. The Board did grant Interim Approval for CollegeAmerica to begin admitting students into their program once the College changed the term “preceptor” to “clinical faculty” from its description of its pediatric clinical to avoid confusion.

PHASE III APPLICATIONS:

Academy of Medical & Health Sciences, Pueblo – PN Program: The Board reviewed the Site Visit Report presented and voted to accept the report and grant Phase III recognition. The Board granted the Academy additional time, up to submission of their Phase IV request for full approval, to address the non-compliant items.

CONTINUING FULL APPROVAL:

Arapahoe Community College – ADN Program: The Board reviewed the material submitted for continued full approval and granted Continuing Full Approval of Arapahoe Community College’s nursing education program

Colorado Mountain College (CMC) – ADN Program: The Board reviewed documentation demonstrating that CMC had reached candidacy status with NLNAC and its request to accept the candidacy in lieu of addressing the previously identified non-compliant items. The Board voted to ratify the decision to accept the candidacy status in lieu of addressing the items previously identified as non-compliant. Vicki Erickson opposed the motion.

Pickens Technical College – PN Program: The board reviewed communication and documentation related to Pickens Technical College not meeting the requirements of the Chapter II Rules. After discussion, the Board voted to place Pickens on Conditional Approval until such time as the rules are sufficiently met.

NCLEX-RN PASS RATES:

Sandy Summers recused herself at 11:03 and left the room and did not vote or participate in the discussion of Lamar Community College.

Lamar Community College (LCC) – ADN Program: The Board reviewed the documentation of the pass rates of the NCLEX-RN for LCC which brought LCC into compliance with the Chapter II Rules. After discussion, the Board voted to remove LCC from Conditional Approval and restore LCC to Full Approval.

ADMISSIONS:

Community College of Denver (CCD) – ADN Program: The Board reviewed the documentation supporting sufficient resources of faculty and clinical placements in conjunction with the number of students CCD wishes to admit. The Board determined that the documentation supported sufficient resources to resume the CCD nursing program.

IMPACT QUESTIONNAIRE PROPOSAL:

The Board reviewed the proposed Impact Questionnaire submitted by Roberta Hills. They asked questions and provided guidance to Roberta in modifying the document. Roberta will revise and bring back to the next Full Board Meeting on April 27, 2010.

EDUCATION NOTES:

The Board noted the following items:

1. University of Colorado Denver College of Nursing BSN education program was awarded full accreditation for 10 years from CCNE.
2. Regis University Rueckert-Hartman College for Health Professions – Loretto Heights School of Nursing BSN education program was awarded full accreditation for 10 years from CCNE.
3. Adams State College BSN education program – Phase III application progress status report.
4. Memorandum from Roberta Hills that the compliance report in reference to the Chapter II Rules, Section 3.5 will be presented at the April 27, 2010 Full Board meeting.

10. NURSE AIDE TRAINING PROGRAMS REPORT

The Board ratified the following decisions made by Shannon St. Hilaire, Compliance Investigator:

I. Full Approval

- 11/19/2009 – Morgan Community College – Burlington
- 12/18/2009 – Geriatric Education Center (formerly Columbine Health Systems)
- 12/18/2009 – Weisbrod Memorial County Nursing Home (formerly Kiowa County Nursing Home)
- 12/23/2009 – Lincoln Community Hospital and Nursing Home
- 12/23/2009 – Beo Nurse Aide Training Program
- 12/24/2009 – Aims Community College – Loveland
- 12/24/2009 – Yampa Valley Medical Center/Doak Walker Care Center
- 12/28/2009 – Front Range Community College Med Prep
- 12/28/2009 – Southeast Colorado Hospital and Long Term Care Center

II. Closure

- 12/21/2009 – Certification Plus

III. No Admissions Until Compliant

- 12/10/2009 – Cripple Creek Rehabilitation and Wellness Center
- 12/29/2009 – Yuma Life Care Center

IV. Denied Interim Approval

- 12/04/2009 – Accent Learning Systems
- 12/23/2009 – Mile High Medical Academy

11. QUARTERLY BOARD OF NURSING AND NURSE AIDE ADVISORY COMMITTEE STATISTICAL REPORTS

The Board reviewed and noted the following quarterly statistics:

1. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the NAAC Quarterly Report for October through December 2009
2. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the Panel Quarterly Report for October through December 2009
3. Memorandum from Terrie Miller, Enforcement Manager with attachments including the Enforcement Unit Quarterly Report for October through December 2009
4. Office of the Attorney General - Quarterly Case Statistics Summary Report 9/25/09 – 12/30/09

12. NURSING PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM QUARTERLY REPORTS AND PRESENTATION FROM DR. LORI CRANE

Rebecca Heck, BSN, RN, MPH, Director, presented and answered questions on the submitted quarterly reports. In addition, Dr. Lori Crane presented the questionnaire being used for the proposed PAS program evaluation and answered questions regarding the process. The Board voted to have PAS move forward with the program evaluation.

13. LUNCH RECESS

The Board recessed for lunch and announced that they will resume at 1:00 for the scheduled Rulemaking Hearings.

14. RULEMAKING HEARING: CHAPTER XV – RULES AND REGULATIONS FOR PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE NURSES

At 1:02 P.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed amendments to the Chapter XV rules.

Written testimony from the public was received prior to the Rulemaking Hearing as follows:

- Letter received December 9, 2009 from Katrina de Romana, MSN, FNP
- E-mail received December 24, 2009 from Kim E. Mohr, RN, CNS, RXN
- E-mail with attached letter received December 25, 2009 from Toni Panetta, Political Director, NARAL Pro-Choice Colorado; attached letter from Prevention First Colorado
- Memorandum from Maureen Hartlaub, Director, Nurse Physician Advisory Taskforce for Colorado Healthcare (NPATCH)

Staff testimony was given by memorandum by Karen Dechant, Nurse Compact Administrator

Oral testimony was given by the public during the Rulemaking Hearing by:

- Rosemary McCool, Division Director, Division of Registrations, Department of Regulatory Agencies spoke in the affirmative of the rules and asked that a statement be added to notify the Director of the Division of Registrations when there were any modifications to the rules.
- Fran Ricker, Executive Director, Colorado Nurses Association, asked that language be considered to modify 6.2.2 removing the specificity of “collaboration with a physician” and

replacing it with the language “Mechanism for consultation and referral for issues regarding prescriptive authority.”

- Linda Siderius, Legal Counsel to the Colorado Nurses Association, gave testimony that the language change being proposed by Kari Hershey on behalf of the Colorado Medical Society was not necessary.
- Kari Hershey, Legal Counsel for the Colorado Medical Society gave testimony that did not support the changes proposed by the Colorado Nurses Association and wanted clarification of the language in 1.18 modified to be in alignment with the Pharmacy Practice Act.
- Ned Calonge, Board of Medical Examiners, spoke affirmatively for the complementary rules and added that the term “collaboration” as used in the rules did not mean “collaborative agreement” in response to the Colorado Nurses Association testimony.

At 1:24 P.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter I rules.

At 2:12 P.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter XV – *Rules for Prescriptive Authority for Advanced Practice Nurses* as amended directing Board staff to make any further grammatical, typographical, and formatting changes as needed.

The Board took a ten minute break before beginning the next rulemaking hearing.

15. RULEMAKING HEARING: CHAPTER II – RULES AND REGULATIONS FOR APPROVAL OF NURSING EDUCATION PROGRAMS

At 2:23 P.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed amendments to the Chapter II rules.

No additional staff testimony was presented during the Rulemaking Hearing.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral or additional written testimony was given by the public during the Rulemaking Hearing.

At 2:25 P.M. having no public testimony the Hearing was closed. The Board entered into a work session in order to discuss proposed amendments to the Chapter II rules.

At 2:27 P.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter II – Rules and Regulations for the Approval of Nursing Education Programs as amended.

16. RULEMAKING HEARING: CHAPTER III – RULES AND REGULATIONS FOR THE IMPOSITION OF FINES

At 2:28 P.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed Chapter III rules.

No additional staff testimony was presented during the Rulemaking Hearing.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral or additional written testimony was given by the public during the Rulemaking Hearing.

At 2:30 P.M. having no public testimony the Hearing was closed. The Board entered into a work session in order to discuss proposed amendments to the Chapter III rules.

At 2:36 P.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter III – Rules and Regulations for the Imposition of Fines as written.

17. SAMPLE PROPOSAL FOR ARTICULATED PLAN – PRESCRIPTIVE AUTHORITY

The Colorado Nurses Association presented a sample Articulated Plan format to be used for APRNs requesting Full Prescriptive Authority. Because it is known that NPATCH is also submitting a proposed Articulated Plan, the Board tabled this item to review both sample plans at the April 28, 2010 Full Board Meeting.

18. ANNUAL ELECTION OF PRESIDENT OF THE STATE BOARD OF NURSING

The State Board of Nursing elects a new president annually. Sandra Summers will be ending her term on the Board as of July 2010. Vicki Erickson and Deborah Archuleta expressed interest in the position. Both candidates gave a 3 minute presentation to the Board Members stating their background and interest in the position; the commitment of support from their employers; and, their area of interest in national nursing regulation.

Presentations being concluded, the Board Members voted by secret ballot and the votes were tallied.

Vicki Erickson was elected as the President of the State Board of Nursing.

There being no further business, the State Board of Nursing adjourned the meeting at 2:50 P.M.

Sandra Summers, DNP, RN, President
Colorado State Board of Nursing